

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

RANDY PHILLIPS,

Plaintiff,

v.

Civ. 12-632 JAP/GBW

WNMCF MEDICAL SERVICES et al.,

Defendants.

**ORDER ADOPTING MAGISTRATE JUDGE'S PROPOSED FINDINGS AND  
RECOMMENDED DISPOSITION**

Plaintiff filed his complaint in this case on June 12, 2012, against the Western New Mexico Correctional Facility (WNMCF) and WNMCF Medical Services, alleging that he was denied adequate medical care while incarcerated there. *Doc. 1*. On November 6, 2012, this Court dismissed Plaintiff's claims against both Defendants because, as state agencies, they cannot be sued under § 1983. *Doc. 13* at 2. The Court gave Plaintiff thirty days to file an amended complaint identifying the individuals responsible for the denial of medical care. *Id.*

On November 14, 2012, Plaintiff sent a letter to the Court, *doc. 16*, which the Court treated as an amended complaint. *See doc. 17*. The Court found that the letter failed to clarify who did what to whom, and ordered Plaintiff to file a second amended complaint containing specific allegations against specific individuals within fourteen days. *Id.*

On January 3, 2013, Plaintiff filed a second amended complaint, which named as Defendants Gregg Marcantel, Gary King, Robert Stewart, and Deanna Hoisington. *Doc. 18*. On February 7, 2013, the Court dismissed Plaintiff's claims against all four Defendants because none were personally involved in the alleged denial of medical care. *Doc. 19*. The Court gave Plaintiff thirty days to file a third amended complaint identifying the specific individuals who denied him

medical care. *Id.* at 2. The deadline for Plaintiff's third amended complaint was March 7, 2013. Plaintiff has not filed any further documents with the Court.

The Magistrate Judge filed his Proposed Findings and Recommended Disposition (PFRD) on March 21, 2013. *Doc. 20*. He recommended dismissal of Plaintiff's action pursuant to Federal Rule of Civil Procedure 41(b) for failure to prosecute and to comply with a court order.

Plaintiff has filed no objections to the PFRD, and, upon review of the record, I concur with the Magistrate Judge's findings and recommendations.

Wherefore, IT IS HEREBY ORDERED that the Magistrate Judge's Proposed Findings and Recommended Disposition, *doc. 20*, is ADOPTED. Plaintiff's claims are DISMISSED without prejudice.

  
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SENIOR UNITED STATES DISTRICT JUDGE